

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

APR 20 2015

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Daniel Pena

A208 164 036

United States Citizen

PRINCIPAL

YOB: 1964

Case Number:

M-15- 0617 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 18, 2015 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Pablo Morales-Alvarado and Jhonny Jimenez-Alvarado, citizens of Mexico, along with one (1) other undocumented alien, for a total of three (3), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Rio Grande City, Texas to the point of arrest near Rio Grande City, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONYI further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On April 18, 2015, Rio Grande City PD Officer requested assistance from Border Patrol after conducting a traffic stop on a Dodge 1500 for expired registration. The driver, identified as Daniel PENA, was carrying his wife and three additional people, who could not provide any identification. Border Patrol was contacted to assist.

Border Patrol Agent J. Chapa arrived and determined PENA was a United States citizen, his wife was an illegal alien, and the three other passengers were also illegal aliens. All 5 people were transported to the Rio Grande City Border Patrol Station for processing.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes☐ No

Signature of Complainant

Francisco Sanchez Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

April 20, 2015

Date

at McAllen, Texas

City and State

Dorina Ramos

, U. S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15- 0617 -M

RE: Daniel Pena

A208 164 036

CONTINUATION:

PRINCIPAL'S STATEMENT:

Daniel Pena was read his rights. He stated he was willing to provide a statement without the presence of an attorney.

PENA told agents he was at HEB in Rio Grande City and met a friend he only knows as Negro. Negro asked him for a ride to Walmart which is approximately 1000 feet to the east of HEB. PENA stated he went to HEB to use the restroom, and by chance met Negro. He does not know anything about Negro other than his nickname. Neither PENA, PENA'S wife, Negro, or the two people Negro was travelling with, purchased anything from HEB.

NOTE: In 2011 PENA was caught transporting 9 UDAs but was not prosecuted due to a lack of material witnesses.

MATERIAL WITNESSES' STATEMENTS:

Both material witnesses were read their rights. Both stated they were willing to provide a statement without the presence of an attorney.

1- Pablo Morales-Alvarado, a citizen of Mexico, claims to have been charged \$1,500 (USD) to be smuggled to McAllen, Texas. Before illegally crossing the Rio Grande River, the group he was travelling with was told to walk to the stores north of the river. They were told where to go via telephone that one of the smuggled aliens had. Once at the store, they waited for approximately 1 ½ hours until PENA entered the restroom they were hiding in and told them to follow him. PENA escorted Morales and the rest outside to his truck and told them to get in the truck quickly. After departing the store parking lot, Morales heard PENA exclaim in Spanish "The police is following me!". PENA then told Morales and the rest of the smuggled aliens to tell the police that PENA was just giving them a ride. Morales identified PENA in a photo lineup as the man who took them out of the restroom in the store and told them to board the truck that he was driving.

2- Jhonny Jimenez-Alvarado, a citizen of Mexico, claims to have been charged \$3,500 (USD) to be smuggled to the United States. After illegally crossing the Rio Grande River, Jimenez walked to a grocery store. According to Jimenez, the guides were instructing him via telephone where he should go. Jimenez told agents he was not told who would pick him up, but after waiting for approximately 40 minutes inside the store, a man approached him and asked him "Did you come with the Beast?", letting Jimenez know he was the man there to pick the group up. The group of smuggled aliens then followed the man to his truck, and he told them to get in. After departing the parking lot, the police pulled in behind them and the driver exclaimed "The police is behind us!". As the driver pulled over, he told the group to tell the police he was just giving them a ride. Jimenez identified PENA in a photo lineup as the driver of the truck.